

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1 and 2. The sheets replace the original sheets including Figures 1 and 2.

Attachment: Replacement Sheets

REMARKS

The abstract and the drawings (Figs. 1 and 2) have been objected to in the Office Action. A new abstract is provided, and replacement Figures 1 and 2 are attached. No new matter has been added.

Claims 1 and 10 have been rejected under 35 USC 112, second paragraph. Claim 10 has been amended accordingly. Applicants submit that claim 1 sufficiently and distinctly claims the subject matter of the invention. The Examiner is requested to more clearly state his position or withdraw the rejection.

Claims 1-5 and 8 have been rejected under 35 USC 103(a) as unpatentable over Daniele in view of Henrlon. The rejection is respectfully traversed.

Daniele discloses an incoming flow of cells have a certain number of streams with different QoS levels, each having an available bandwidth (ABR). The total bandwidth available is R_{tot} and the minimum agreed bandwidth is R_{ai} . A SORTER device, having a control block SCB, contains two logic FIFOs which contain pointers to the transmission queues of the SORTER device. The SCB control block also contains a TK_COUNTER having a respective $TKNi$ number. The number of tokens assigned to each transmission queue belonging to an ABR transmission flow in a certain TR period is proportional to the minimum bandwidth assigned during a negotiation step. Fig. 2 illustrates the method of distribution of available bandwidth.

The Examiner indicates that "where packets of the traffic stream which come into a buffer with a transmission rate lying below the guaranteed bandwidth for the traffic stream in the common transmission channel, are timed for transmission over the transmission channel before the packets of the traffic stream which come into the buffer with a transmission rate lying above the guaranteed bandwidth" is disclosed in Daniele at Fig. 1 and col. 6, lns. 26-38. Applicants respectfully disagree. Daniele has multiple transmission queues, a control block and high (FGB) and low (FAB) priority storage structures. In this instance, the RT_EMPTY flag indicates that there are no cells belonging to real-time flows to be transmitted, and the FIFO FGB is checked. If the FIFO FGB contains pointers to transmission queues, the SCB block moves to the next step. During this step, the SC block serves the queue currently pointed by the FIFO FGB, decreases the corresponding number of tokens stored in the TIK_COUNTER device by one unit, and removes its pointer from the FIFO FGB. However, there is no determination in this step as to

whether the transmission rate lies below or above the guaranteed bandwidth, much less transmitting the rate that is below, as required by the claimed invention.

The Examiner also indicates that "wherein packets of the traffic stream which come into a buffer with a transmission rate lying below the maximum bandwidth for the traffic stream in the transmission channel are times for times for transmission over the transmission channel before the packets of the traffic stream which have arrived in the buffer with a transmission rate lying above the maximum bandwidth of the traffic channel in the transmission channel" is disclosed at Fig. 1 and col. 6, lns. 17-25. Applicants respectfully disagree. In this section of the applied reference, if the renewal period TR is not yet terminated, the SCB block moves to an ID_RT_EMPTY test, which checks if the RT_EMPTY flag is set to high. If the test reveals that there are cells belonging to non-ABR flows to be transmitted, the SCB block moves to a SERVICE_RT step, in which the SCB block serves the QNA queue containing the cells belonging to the non-ABR flows. However, there is no determination in this step as to whether the transmission rate lies below or above the maximum bandwidth, much less transmitting the rate that is below, as required by the claimed invention.

Claims 6, 7 and 9 have been rejected under 35 USC 103(a) as unpatentable over Daniele in view of Henrlon, further in view of Dolgonos or Ellenby. The rejections are respectfully traversed for at least the same reasons presented in the arguments above.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118744-147.

Respectfully submitted,

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